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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,122	09/24/2003	Salim Yusuf	16554-002001	2547
26161	7590	09/12/2005		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
			EXAMINER VENC, DAVID J	
			ART UNIT	PAPER NUMBER
			1641	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/670,122

Examiner

David J. Venci

Applicant(s)

YUSUF ET AL.

Art Unit

1641

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed August 10, 2005 is acknowledged.


1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
- a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief. See 37 CFR 41.33(d)(2).
2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.
4. ☒ Other: Applicants' reply filed August 10, 2005 raises new issues that require additional consideration and/or search. Specifically, independent claims 1 and 4 are amended to add the new limitation of comparing the concentration of "a metabolite of thromboxane A2" to "first quartile comprises concentrations less than 15.1 ng/mmol creatinine, the second quartile comprises concentrations between 15.1 ng/mmol creatinine and 21.8 ng/mmol creatinine, the third quartile comprises concentrations between 21.9 ng/mmol creatinine and 33.7 ng/mmol creatinine, and the fourth quartile comprises concentrations greater than 33.8 ng/mmol creatinine."

Dependent claims 14 and 19 filed November 19, 2004, and finally rejected in Office Action dated February 8, 2005, recited the step of comparing "11-dehydro thromboxane B2" concentrations in a patient sample to "11-dehydro thromboxane B2" concentration quartiles. Applicants' amendment after final requiring the comparison of "a metabolite of thromboxane A2" concentrations in a patient sample to "metabolite of thromboxane A2" concentration quartiles was not previously considered and thus raises new issues that require additional consideration and/or search.

Applicants' request to withdraw the finality of the Office Action dated February 8, 2005, in view of Cipollone et al., 96 CIRCULATION 1109 (1997), is not timely because Cipollone et al. has not been cited in any Office Action and has not been formally made of record. Cipollone et al. was brought to Applicants' attention in an informal telephone conversation merely to aid Applicants in their decision-making process to expedite future prosecution of this application. Examiner did not intend to cause delay resulting from the preparation of supplemental response, dated August 10, 2005, or additional expense to Applicants for payment of a three-month extension fee.


LONG V. LE
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08/31/05